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EXAMINER	
SEYE, ABDOU K	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/682,660	**Applicant(s)** TAYLOR, BRANDON E.	
	Examiner Abdou Karim Seye	**Art Unit** 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02/27/2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on February 27, 2007 has been received and entered.

The currently pending claims considered below are Claims 1-30.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

3. Claim 11 is rejected under 35 U.S.C. 101 based on the theory that the claim is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. Lyell, Ex parte, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990).Therefore, *dependent claims 12-20 are also affected by the same rejection.*

4. Claim 21 is non statutory.The claimed system is constructed of software program instructions. Thus, the claimed system comprising of : invoking a program component; invoking execution of the call on the target object; determining whether the execution exceeds a threshold and notifying the caller object is considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as

computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized... ". Also it appears that no useful result is achieved from invoking a program component and notifying the caller object . See MPEP 2106.01 (IV) (c).

Claims 22-30 are also rejected for failing to remedy the deficiencies of the above rejected non statutory claim 21.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

6. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because,

Claims 11 is rejected under 35 U.S.C. 112, second paragraph, as being a single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. *> IPXL Holdings v. Amazon.com, Inc., 430 F.2d 1377, 1384, 77 USPQ2d 1140, 1145 (Fed. Cir. 2005);< Ex parte Lyell, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990). Therefore, *dependent claims 12-20 are also affected by the same rejection.*

Appropriate correction is required .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obvious rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-30 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Arteaga, et al. (US 20020161826)** in view of **Damon (US 6826761).**

Claims 1, 11 and 21, Arteaga discloses a system and method for calling a target object from a caller object in a first call mode, comprising:

invoking a program component in response to the caller object initiating the call to the target object (fig. 16 paragraph 94 and 95);

invoking, with the program component, execution of the call on the target object (fig. 16, paragraph 94 and 95);

monitoring, with the program component, the execution of the call on the target object (fig. 13, paragraph 73 and 75);

But he merely teaches determining, with the program component, whether the execution of the call on the target object exceeds a threshold; and notifying the caller object to cause the caller object to change from the first call mode to a second call mode in handling the call if the execution of the call is determined to exceed the threshold. However, in the same field of endeavor, data processing system Damon explicitly discloses a system and method that detect when a system call exceed a threshold and sending notification message and switching the application mode from synchronous to asynchronous(FIG. 2, col. 4, lines 6-67; col. 6, lines 30-35).Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to modify Arteaga's invention with Damon's invention in order to avoid illegal time out message sent to users of a system. One would have been motivated to allow asynchronous application to synchronously act in order to use the same system memory and to avoid creating extra space (Damon, abstract; col. 3, lines 8-14; col. 4, line 60-65). Therefore, to improve the overall system performance.

Claims 2, 12 and 22 Arteaga teaches,

wherein the first call mode comprises a synchronous mode and the second call mode comprises an asynchronous mode(fig. 16, paragraph 94 and 95).

Claims 3,13 and 23, Arteaga discloses a system and method as in claims 1, 11 and 22 above. But he does not disclose determining whether the execution of the call on the target object exceeds the threshold comprises determining whether the call has been executing for a maximum period of time. However, in the same field of endeavor, data processing Damon explicitly teach a system and method wherein determining whether the execution of the call on the target object exceeds the threshold comprises determining whether the call has been executing for a maximum period of time (abstract; col. 3, lines 1-5; expiring of the timer).Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to modify Arteaga's invention with Damon's invention in order to avoid illegal time out message sent to users of a system. One would have been motivated to allow asynchronous application to synchronously act in order to use the same system memory and to avoid creating extra space (Damon, abstract; col. 3, lines 8-14; col. 4, line 60-65). Therefore, to improve the overall system performance.

As per Claims 4,14 and 24, they are rejected for the same reason as the claims above.

Claims 5, 15 and 25, Arteaga teaches,

storing any return value from the called target object in a future object if the execution of the call on the target object exceeds the threshold (fig. 1 and 5 paragraph 109; storage device).

Claims 6, 16 and 26, Arteaga discloses a system and method for calling a target object as in claims 5, 15 and 25 above and further discloses the step of returning the return value from the target object to the caller object (paragraph 135, table 9).

Claims 8, 18 and 28, Arteaga discloses a system and method for calling a target object as in claims 1, 11 and 21 above and further discloses a proxy object (fig. 12, paragraph 157).

Claims 10, 20 and 30, Arteaga teaches,

wherein the program component executes in a first thread, further comprising: spawning a second thread to execute the call on the target object invoked by the component object (paragraph 53; multithreading).

Claims 7,17 and 27: Arteaga discloses a system and method for calling a target object as in claims 5, 15 and 25 above, and merely disclose periodically querying with the caller object the future object after receiving the notification from the program component to determine when the return value is available in the future object; and accessing the return value from the future object after determining that the return value is available in the future object.

However, in the same field of endeavor Damon discloses a system and method that includes que to store timeout message and a data base that store timer which suggest pending calls and reuse of data object (col. 5, lines 39-60; col. 6, lines 5-40). Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to modify Arteaga's invention with Damon's invention in order to avoid illegal time out message sent to users of a system. One would have been motivated to allow asynchronous application to synchronously act in order to use the same system memory and to avoid creating extra space (Damon, abstract; col. 3, lines 8-14; col. 4, line 60-65). Therefore, to improve the overall system performance.

Claims 9, 19 and 29, Arteaga discloses a system and method for calling a target object as in claims 8, 18 and 28 above, but he does not disclose,
wherein the program component comprises an invocation handler, further comprising: throwing an exception, by the invocation handler, when determining that the execution of the call on the target object exceeds the threshold, wherein the caller is notified through the thrown exception.
However, in the same field of endeavor Damon discloses a system and method that include a time out function for detecting time out call and throwing time out message (col. 4, lines 33-48; Col. 5, line 5-55; col. 6, lines 5-40). Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to modify Arteaga's invention with Damon's invention in order to avoid illegal time out message sent to users of a system. One would have been motivated to allow asynchronous application to synchronously act in order to use the same system memory and to avoid

creating extra space (Damon, abstract; col. 3, lines 8-14; col. 4, line 60-65).Therefore, to improve the overall system performance.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Dugan et al. (20020083166) discloses a method and apparatus for managing local resources at service node in an intelligent network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached on Mon - Fri, 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AKS
April, 20,2007

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER